

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for November 24, 2004 PLANNING COMMISSION MEETING

**P.A.S.:** Waiver #04016

**PROPOSAL:** Waive the sidewalk in the pedestrian easement associated with Corrected Plat of Edenton South 10<sup>th</sup> Addition Final Plat #97034

**LOCATION:** S. 70<sup>th</sup> Street & Old Cheney Rd.

**CONCLUSION:** Corrected plat of Edenton South 10<sup>th</sup> Addition final plat was approved on September 10, 1997. The Resolution required that the sidewalk within the pedestrian easement be installed at the same time that Culwells Court is paved. The damming effect can be alleviated with culverts in the swale area under the sidewalk. This waiver request does not meet the conditions of Section 26.31.010.

|                               |
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| <b><u>RECOMMENDATION:</u></b> |
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|        |
|--------|
| Denial |
|--------|

### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Outlot "A", corrected plat of Edenton South 10<sup>th</sup> Addition, located in the NW 1/4 of Section 15, Township 9, Range 7, Lancaster County, NE

**EXISTING ZONING:** R-3, Residential

**EXISTING LAND USE:** Attached two- family dwellings and open space.

### **SURROUNDING LAND USE AND ZONING:**

|        |                  |                               |
|--------|------------------|-------------------------------|
| North: | R-1, Residential | Single family dwellings       |
| South: | R-3, Residential | Attached two-family dwellings |
| East:  | R-1, Residential | Single family dwellings       |
|        | R-3, Residential | Attached two-family dwellings |
| West:  | R-3, Residential | Church                        |

### **HISTORY:**

**September 10, 1997** Corrected Plat of Edenton South 10<sup>th</sup> Addition Final Plat was approved by the Planning Commission.

**October 23, 1996** Edenton South 10<sup>th</sup> Addition Final Plat was approved by the Planning Commission.

**July 22, 1996** Edenton South 1<sup>st</sup> Addition Preliminary Plat #96005 and Special Permit #1607 were approved by the City Council.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

"Interconnected networks of streets, trails, and sidewalks should be designed to encourage walking and bicycling, reduce the number and length of automobile trips, conserve energy and for the convenience of the residents." (F-18)

"Transit, pedestrian, and bicycle networks should maximize access and mobility to provide alternatives and reduce dependence upon the automobile." (F-19)

"Streets and public spaces should be safe, comfortable, and interesting to the pedestrian." (F-19)

"Sidewalks should be provided on both sides of all streets, or in alternative locations as allowed through design standards or the Community Unit Plan process." (F-66)

"Interconnected networks of streets, trails and sidewalks should be designed to encourage walking and bicycling and provide multiple connections within and between neighborhoods." (F-66)

The sidewalk system should be complete and without gaps." (F-89)

**TRAFFIC ANALYSIS:** S. 70<sup>th</sup> St. and Old Cheney Rd. are classified as arterials.  
Culwells Ct. is a private roadway.

**ANALYSIS:**

1. This is a request to eliminate the sidewalk within a pedestrian easement.
2. Section 26.27.020 of the Land Subdivision Ordinance states that sidewalks shall be constructed on both sides of all streets within the subdivision and on the side of the streets abutting the subdivision.
3. A condition for approval of the final plat was to install the sidewalk in the pedestrian easement as shown on the final plat or post a surety in the amount of \$1,000.00. A surety in the amount of \$1,000.00 was posted.
4. The subdivision agreement for Edenton South 10th Addition states that the subdivider agrees to complete the private improvements shown on the preliminary plat and use permit, which includes the sidewalk in the pedestrian easement.

5. The sidewalk was required to be installed at the same time Culwells Court was paved. The omission of installing the sidewalk at the required time does not justify a hardship.
6. Section 26.23.125 of the Land Subdivision Ordinance requires a pedestrian way when a block exceeds 1,000 feet in length and where needed for pedestrian traffic. This block length is well in excess of 1,000 feet.
7. Without this pedestrian way, pedestrians/bicyclists who want to travel on S. 70<sup>th</sup> St. or west on Old Cheney Rd. would have to travel approximately ½ mile out of their way to access Old Cheney Rd. or S. 70<sup>th</sup> St.
8. Section 26.31.010 of the Land Subdivision Ordinance states, "Whenever a lot, tract, or parcel of land is of such unusual size or shape or is surrounded by such development or unusual condition that the strict application of the requirements contained in these regulations would result in actual difficulties or substantial hardship or injustice, the subdivider may request a modification of such requirements."
9. Although there have been grading and drainage issues in the past, this sidewalk can be installed by using culverts under the sidewalk.
10. Nationally and locally more emphasis is being placed on encouraging people to walk. To facilitate walking, pedestrians must have a safe place to walk. This includes installing sidewalks and separating pedestrians from automobiles.

Prepared by:

Tom Cajka  
Planner

**DATE:** November 10, 2004

**APPLICANT:** Edenton South Town Home Association  
Craig Larabee, President  
7130 Culwells Ct.  
Lincoln, NE 68516  
(402) 488-0654

**OWNER:** same as applicant

**CONTACT:** same as applicant



2002 aerial

## Waiver #04016 S. 70th & Old Cheney Rd.

### Zoning:

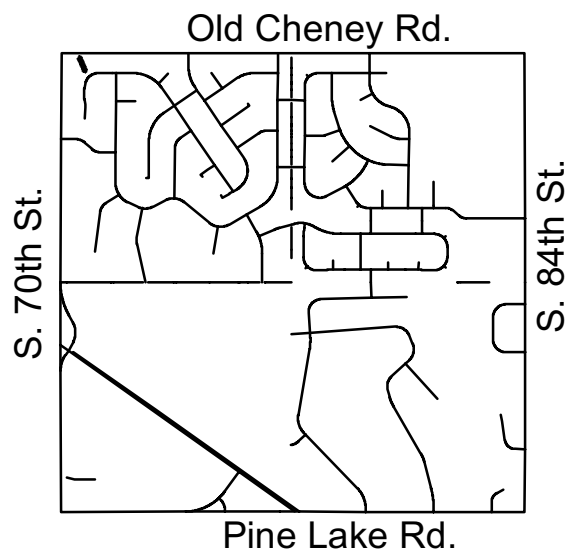
|            |  |
|------------|--|
| R-1 to R-8 | Residential District                   |
| AG         | Agricultural District                  |
| AGR        | Agricultural Residential District      |
| R-C        | Residential Conservation District      |
| O-1        | Office District                        |
| O-2        | Suburban Office District               |
| O-3        | Office Park District                   |
| R-T        | Residential Transition District        |
| B-1        | Local Business District                |
| B-2        | Planned Neighborhood Business District |
| B-3        | Commercial District                    |
| B-4        | Lincoln Center Business District       |
| B-5        | Planned Regional Business District     |
| H-1        | Interstate Commercial District         |
| H-2        | Highway Business District              |
| H-3        | Highway Commercial District            |
| H-4        | General Commercial District            |
| I-1        | Industrial District                    |
| I-2        | Industrial Park District               |
| I-3        | Employment Center District             |
| P          | Public Use District                    |

One Square Mile  
Sec. 15 T9N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction



Lincoln City - Lancaster County Planning Dept.



CHARLES THONE  
DONALD H. ERICKSON  
WM. E. MORROW, JR.  
SAM JENSEN  
DANIEL B. KINNAMON  
THOMAS J. GUILFOYLE  
VIRGIL K. JOHNSON  
CHARLES V. SEDERSTROM  
CHARLES D. HUMBLE  
ALAN M. WOOD  
WILLIAM F. AUSTIN  
JOHN C. BROWNRIGG  
THOMAS J. CULHANE  
RICHARD J. GILLOON  
SAMUEL E. CLARK  
GARY L. HOFFMAN  
MARK M. SCHORR  
JERALD L. RAUTERKUS  
WILLIAM T. FOLEY  
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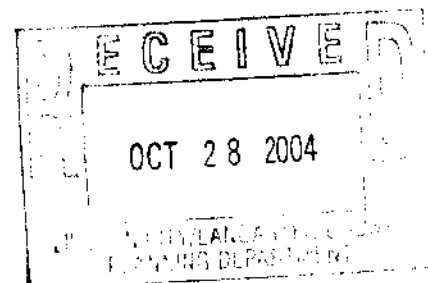
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OMAHA, NEBRASKA 68114  
(402) 397-2200

## PURPOSE STATEMENT

Constructing a sidewalk in this pedestrian area will have the effect of creating a "dam" situation causing water to back up and onto the adjacent private properties. In addition to the potential water problems, the chances of pedestrians actually using this pedestrian way is greatly diminished by the fact that it leads into a private roadway, which on one end is a cul-de-sac. Attached is a petition signed by homeowners of Edenton South Townhome Association expressing their opposition to the referenced pedestrian way. Also attached is a Plat of the area showing where the pedestrian way is located.



CHARLES THONE  
DONALD H. ERICKSON  
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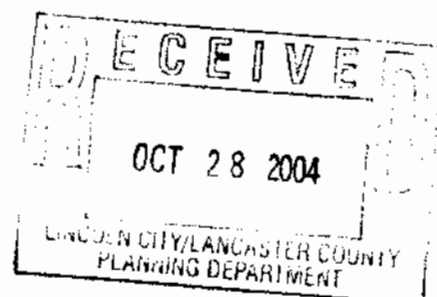
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## LIST OF ALL WAIVERS BEING REQUESTED

A waiver is being requested of Section 26.23.095 of the Land Subdivision Ordinance  
which requires that concrete sidewalks be constructed in pedestrian ways.



By signing this petition I am verifying I am a homeowner of Edenton South Town Home Association and occupy the same. I protest the public sidewalk shown on the attached plat between lot 7 and lot 8. It is my desire this sidewalk be deleted from all plans.

William Bull 7030 Culwells Ct  
David & Peggy McKinnon 7040 Culwells Ct  
1040 Culwells Ct

H. Bruce Cline & Alena 7045 Culwells Ct

Russell & Carol Jensen 7014 Culwells Ct

Rita Bartlett 7025 Culwells Ct

Ed & Ruth Bartlett 7025 Culwells Ct

Bob & Peggy McKinnon 7125 Culwells Ct

James & Sue Jensen 7155 Culwells Ct

Chas & Marian Rose 7050 Culwells Ct

John & Barbara Jensen 7000 Culwells Ct

Ed & Jane Jensen 7154 Culwells Ct

William & Elmer 7011 Culwells Ct

Harry & Thompson 7027 Culwells Ct

Bill & Norma Jensen 7140 Culwells Ct

Bob & Sue Jensen 7031 Culwells Ct

Ed & Jane Jensen 7144 Culwells Ct

Mar & Jane Gooding 7160 Culwells Ct

Craig & Janet Jensen 7130 Culwells Ct

Kent & Janet Remington 7150 Culwells Ct

Catherine & Mac Donald 7121 Culwells Ct

Ernest & Virginia Olson 7051 Culwells Ct

Craig Parker 12/8/03  
Notary Date



# Memorandum

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|                 |   |
|-----------------|---|
| <b>To:</b>      | Tom Cajka, Planning Department                  |
| <b>From:</b>    | Charles W. Baker, Public Works and Utilities    |
| <b>Subject:</b> | Waiver #04016 Pedestrian Easement Edenton South |
| <b>Date:</b>    | November 10, 2004                               |
| <b>cc:</b>      | Randy Hoskins<br>Harry Kroos                    |
|                 |   |

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the request to remove the pedestrian easement on the southeast corner of 70th and Old Cheney to the southeast onto Culwells Court. Public Works has the following comment:

- The waiver request states that construction of the sidewalk in the pedestrian easement will cause a damming effect on the drainage of this area. That condition can be alleviated with culverts in the swale area under the sidewalk within the easement. Public Works has visited this site on several occasions about the drainage problems and standing water in this area. The sidewalk construction in this area should be engineered since the grading plan has been adjusted to compensate for the drainage and to meet ADA requirements.